IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3443 OF 2007
IN
SUIT NO.2704 OF 2003

Sharifunissa Saeed Ahmed and ors ..Plaintiffs.
Vs.
Jameel Ahmed M. Khalil and ors. ..Defendants.
And
Badre Alam Mehmood Ali. ..Applicant.

Mr.A.M.Sarogi for the Plaintiff.

Ms. J.A.Sarkhiot with Ms. Roshan A. Baig for the Applicant.

Mr.D.V.Deokar, 1st Asstt. and Mr. Bhogaonkar, 2nd Asstt. to Court Receiver present.

CORAM : A.M. KHANWILKAR, J.
DATED : 1ST OCTOBER, 2007.

P.C.

1. On perusal of the report submitted by the Court Receiver, it is seen that the applicant claims to be the original tenant in respect of Shop No.1 House No.1. However, he was not in possession of the said premises when the Court Receiver had visited the site and sealed the premises as he found third party in possession thereof. The premises were used for Dental Clinic in the name of Patel Dental Clinic and not by the Applicant Badre Alam Ali. Significantly, the correctness of the Court Receiver’s report has not been challenged. In the circumstances, merely because the applicant has produced

the record to support the position that the applicant was the original tenant, that will be of no avail. The Court Receiver has sealed the premises on 27.8.2007 to give effect to the order dated 19.1.2007, as it is noticed that the original tenant has parted with the possession of the suit premises being House No.1 Shop No.1. In the circumstances, there is no substance in the claim put forth by the applicant. Motion is accordingly dismissed.

(A.M. KHANWILKAR, J.)